

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MAURICE RHOADES,)	CASE NO.1:07CV802
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
Vs.)	
)	
DONSHIRS DEVELOPMENT CORP.,)	ORDER
ET AL.,)	
Defendant.)	

CHRISTOPHER A. BOYKO, J:

On December 17, 2008, the Court issued an Order denying Summary Judgment for Plaintiff on his remaining claims against defaulting Defendants Donshirs Development Corporation and Ms. Stacy Stoutermire and ordered Plaintiff to file a Motion for Default Judgment no later than fourteen days from the filing of the Court's December 17, 2008 Order. The Court's order stated:

Plaintiff is ordered to file a Motion for Default Judgment in accordance with Fed. R. Civ. P. 55(b). Plaintiff's Motion must set forth facts supported by evidence and law demonstrating the damages suffered by Plaintiff and the basis for his entitlement to those damages. Plaintiff shall file his motion within fourteen days of the filing of this Order. Failure to file a Motion for Default Judgment, properly supported, will result in dismissal of the remaining Defendants without prejudice.

On December 30, 2008, Plaintiff moved the Court for an Extension of 30 Days to File his

Motion for Default Judgment. The Court granted Plaintiff's Motion and Ordered him to file his Motion and supporting evidence no later than May 26, 2009. The Court's Order again warned Plaintiff:

The Court grants Plaintiff's Motion for an Extension to submit his Default Judgment Motion and further grants Plaintiff until May 26, 2009 to provide the Motion and supporting materials. No further extensions will be granted and failure to move and support may result in dismissal of the remaining Defendants, without prejudice, for failure to prosecute.

Plaintiff has failed to Motion or otherwise respond to the Court's Order. Therefore, the Court dismisses Plaintiff's remaining claims, without prejudice, subject to refiling.

IT IS SO ORDERED.

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

June 30, 2009